

III. REMARKS

Claims 1-10 are pending in this application. By this amendment, claims 1-2 and 6-7 have been amended. Applicants do not acquiesce in the correctness of the rejections and reserve the right to present specific arguments regarding any rejected claims not specifically addressed. Further, Applicants reserve the right to pursue the full scope of the subject matter of the original claims in a subsequent patent application that claims priority to the instant application. Reconsideration in view of the following remarks is respectfully requested.

In the Office Action, the Office asserts that “Applicant(s) has provided means-plus function language and means-plus function language subsequently modified that destroys the intent of means-plus-function language in claim 6, which could be construed as having a narrower meaning emanating from specific embodiment found in the specification.” Office Action, p. 3. In response, Applicants initially submit that no changes were made to the means-plus-function language of claim 6 in Applicants’ Amendment of 10/13/06. Furthermore, Applicants submit that 35 U.S.C. 112, 6th paragraph has been properly invoked and that no modifications have been made that destroy the intent of the means plus function language in claim 6. However, should the Office choose to maintain its argument, Applicants respectfully request that the Office point out the specific instance(s) of newly added subject matter of claim 6 that requires further search and/or consideration.

In the Office Action, claims 1-10 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Brodsky et al. (U.S. Pat. No. 6,751,597), hereinafter “Brodsky,” in view of Fisher *et al.* (U.S. Patent No. 5,835,896), hereafter “Fisher.” Applicants submit that neither Brodsky nor Fisher, either singly or in combination, discloses each and every limitation of the

claimed invention. For example, with respect to independent claims 1 and 6, Applicants submit that Brodsky fails to teach, *inter alia*, classification of each supply quantity into a plurality of supply quantity ranges that indicate a maximum supply quantity range for each commodity supplier. Brodsky merely discloses optimization methods in terms of exact supply quantities. For example, in Brodsky, “the recommended set of transactions will indicate exactly with whom the transaction should be made, the exact GIVE and TAKE items and their quantities, as well as other relevant parameters (e.g., price and profit).” Col. 11, lines 38-41. Brodsky, however, fails to indicate a maximum supply quantity range for each commodity supplier. In contrast, in the present invention, a maximum supply capability for each supplier is given in terms of a range. In the present invention, as shown in FIG. 4, “N/A” shows that a corresponding supplier cannot supply the quantities in the designated ranges. The supplier Cb can supply up to 3000 units or pieces while the supplier Cc can supply up to 2000 units or pieces. Accordingly, Applicants submit that Brodsky fails to disclose each and every element of claims 1 and 6.

Furthermore, Applicants submit that the combination with Fisher, even if, *arguendo*, proper, fails to cure the deficiency because Fisher also fails to disclose, *inter alia*, classification of each supply quantity into a plurality of supply quantity ranges that indicate a maximum supply quantity range for each commodity supplier. As a result, Applicants respectfully submit that the Office has failed to state a *prima facie* case of obviousness with respect to independent claims 1 and 6 and respectfully request withdrawal of the rejection.

Still furthermore, Applicants submit that neither reference discloses, either singly or in combination, *inter alia*, that an intending purchaser who bids lower than the supply price for the particular supply quantity is not automatically disqualified. *See* claim 1. Brodsky discloses a

Boolean “Give-Take-Item-Match(IS1,IS2)” system that returns a TRUE value “if and only if the IS1 satisfies the requirements of IS2; and it returns FALSE otherwise.” Col. 7, lines 64-67. If a purchaser in Brodsky provides a bid price (IS1) that is lower than the supply price (IS2), no match would be found and a FALSE indication would be returned. As such, based on the Boolean logic disclosed by Brodsky, an intending purchaser failing to offer a bid matching the supply price for the particular supply quantity would be automatically disqualified. Therefore, Applicants submit that Brodsky fails to disclose each and every element of the invention.

Applicants submit that the combination with Fisher, even if, *arguendo*, proper, fails to cure the deficiency because Fisher also fails to disclose, *inter alia*, that an intending purchaser who submits a bid lower than the supply price for the particular supply quantity is not automatically disqualified. As clearly shown in FIG. 10, Fisher discloses in step 93 that if a bid is below a minimum bid amount, the bid is automatically marked as unsuccessful. Therefore, Applicants submit that Fisher fails to disclose each and every element of the invention. As a result, Applicants respectfully submit that the Office has failed to state a *prima facie* case of obviousness with respect to independent claim 1 and respectfully request withdrawal of the rejection.

With respect to the Office’s other arguments regarding dependent claims, Applicants herein incorporate the arguments presented above with respect to the independent claims from which the dependent claims depend. Furthermore, Applicants submit that all dependant claims are allowable based on their own distinct features. Since the cited art does not teach each and every feature of the claimed invention, Applicants respectfully request withdrawal of this rejection.

IV. CONCLUSION

In addition to the above arguments, Applicants submit that each of the pending claims is patentable for one or more additional unique features. To this extent, Applicants do not acquiesce to the Office's interpretation of the claimed subject matter or the references used in rejecting the claimed subject matter. Additionally, Applicants do not acquiesce to the Office's combinations and modifications of the various references or the motives cited for such combinations and modifications. These features and the appropriateness of the Office's combinations and modifications have not been separately addressed herein for brevity. However, Applicants reserve the right to present such arguments in a later response should one be necessary.

In light of the above, Applicants respectfully submit that all claims are in condition for allowance. Should the Examiner require anything further to place the application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the number listed below.

Respectfully submitted,

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